

Correction of Drawings in Response to Notice of Draftsperson's Patent Drawing Review

The informalities recited in the Notice of Draftsperson's Patent Drawing Review have been corrected. In particular, the left margins of figures 1 and 2 and the figure legends of figures 1-3 have been corrected. The corrected figures 1-3 are enclosed herewith as formal drawings.

Response to Claim Objections

The Examiner has objected to Claims 45, 55 and 128 because of alleged informalities. In particular, the Examiner requests that "SEQ ID NOs: 1-59 and 61-63" be deleted from Claim 45, SEQ ID NOs: 299-305, 312-315, 327-353, 357-364, 372-412, 414-458, 464-468, and 472-479 be deleted from claim 55, and recitation of claims 28, 38, 96, 99 and 110 be deleted from claim 128.

Applicants have made the requested corrections by amending the claims 45, 55 and 128. In particular, claim 45 has been amended to recite only SEQ ID NO: 60, claim 55 has been amended to recite only SEQ ID NO: 413, and claim 128 has been amended to refer to a screening step which comprises performing only the method of claim 45.

Applicants believe that the foregoing amendments to claims 45, 55 and 128 overcome the asserted informalities. Accordingly, Applicants request that the Examiner withdraw his objections to claims 45, 55 and 128.

Response to Claim Rejections Under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 45-56 and 128 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner asserts that claim 45 is vague and indefinite because it is allegedly unclear what is meant by an antisense nucleic acid in step (a) of that claim. The Examiner also asserts that claim 52 is vague and indefinite because it is allegedly unclear what is intended by the phrase "contacting said cell with a concentration of inducer which induces said antisense nucleic acid to a sub-lethal level." Finally, the Examiner asserts that claim 128 is indefinite because there is no antecedent basis for its reference to claim 127.

Applicants have made clarifying amendments to claims 45, 52 and 128. Specifically, claim 45 has been amended so that only step (a) recites SEQ ID NO: 60. This amendment should remove any unclarity as to how step (a) corresponds to the preamble of this claim. Additionally,

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applicants have amended claim 52 to clarify that the cell recited therein is contacted with an inducer in a concentration which induces an antisense nucleic acid to a sub-lethal level. Finally, Applicants have amended claim 128 to remove the reference to claim 127 by incorporating necessary language from claim 127. Applicants maintain that the above amendments do not narrow the scope of the amended claims.

Applicants believe that the foregoing amendments bring each of the pending claims in condition for allowance. Accordingly, Applicants request that the Examiner withdraw his rejections under 35 U.S.C. §112, second paragraph.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In the light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is cordially invited to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend Claims 45, 52, 55 and 128 as follows.

45. (Amended) A method for identifying a compound which reduces the activity or level of a gene product required for proliferation of a microorganism, [wherein the activity or expression of said gene product is inhibited by an antisense nucleic acid comprising a sequence selected from the group consisting of SEQ ID NOs.: 1-93,] said method comprising the steps of:

(a) [expressing a sub-lethal level of an antisense nucleic acid complementary to a nucleic acid encoding said gene product in a cell to reduce the activity or amount of said gene product in said cell] reducing the activity or amount of a gene product in a cell by expressing a sub-lethal level of an antisense nucleic acid complementary to a nucleic acid encoding a gene product whose expression is inhibited by an antisense nucleic acid comprising a nucleotide sequence of SEQ ID NO: 60, thereby producing a sensitized cell;

(b) contacting said sensitized cell with a compound; and

(c) determining whether said compound inhibits the growth of said sensitized cell.

52. (Amended) The method of Claim 51, further comprising the step of contacting said cell with [a concentration of inducer which induces said antisense nucleic acid to a sub-lethal level] an inducer in a concentration which induces said antisense nucleic acid to a sub-lethal level.

55. (Amended) The method of Claim 54, wherein said polypeptide comprises a sequence selected from the group consisting of [SEQ ID NOs.: 299-305, 312-315, 327-353, 357-364, 372-458, 464-466, 468 and 472-479] SEQ ID NO: 413.

128. (Amended) [The method of Claim 127, wherein said screening step comprises performing any one of the methods of Claims 28, 38, 45, 96, 99 and 110.]

A method for manufacturing an antibiotic comprising the steps of manufacturing a compound which has been determined to inhibit the growth of a sensitized cell using the method of Claim 45.